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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/039,197	01/04/2002	Kirill O. Soshalsky	SUNMP019	2020

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EXAMINER	
YIGDALL, MICHAEL J	

ART UNIT	PAPER NUMBER
2122	

DATE MAILED: 12/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/039,197	SOSHALSKY ET AL.	
	Examiner	Art Unit	
	Michael J. Yigdall	2122	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *04 January 2002*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *04 January 2002* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-20 are pending and have been examined. The priority date considered for the application is December 20, 2001.

Priority

2. If Applicant desires priority under 35 U.S.C. 119(e) based upon a previously filed application, specific reference to the earlier filed application must be made in the instant application. In this case, the application number of the provisional application to which benefit is claimed should be provided.

Drawings

3. The drawings are objected to because they include informal modifications drawn by hand (see, for example, Figure 2) and text that may not be suitable for reproduction (see, for example, Figure 3) as per 37 CFR 1.84. For clarity, the flowchart illustrated in Figures 4A and 4B should perhaps use "A" and "B" symbols to connect the segments rather than two "A" symbols.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the

renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-20 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Pat. No. 6,473,894 to Shrader et al. (hereinafter "Shrader").

With respect to claim 1, Shrader discloses an application launcher testing system (see the abstract), comprising:

(a) a Hypertext Transfer Protocol (HTTP) server in communication with an application launcher, wherein the HTTP server receives a query for a test application from the application launcher (see, for example, column 4, lines 53-58, which shows an HTTP server and a browser, wherein the HTTP server receives a query from the browser, and see, for example, column 5,

lines 15-21, which shows that the browser is an application launcher querying the server for a test applet or test application);

(b) a status server in communication with the test application, the status server receiving a test status from the test application (see, for example, step 404 in FIG. 4 and column 8, lines 30-33, which shows an output file receiving status information from the test applet or application, and see, for example, data processing system 100 in FIG. 1B, which is a status server comprising the output file); and

(c) a test monitor in communication with the HTTP server and the status server, wherein the test monitor receives a query status from the HTTP server, and wherein the test monitor receives the test status from the status server (see, for example, test/run program 202 in FIG. 2B and column 5, lines 43-52, which shows a test monitor receiving status information, and see, for example, step 406 in FIG. 4 and column 8, lines 33-36, which shows receiving a query status indicating success or failure).

With respect to claim 2, Shrader further discloses the limitation wherein the application launcher launches the test application based on a response to the query from the HTTP server (see, for example, column 5, lines 15-21, which shows that the browser or application launcher launches the test applet or application based on a response from the server).

With respect to claim 3, Shrader further discloses the limitation wherein the application launcher exits after launching the test application (see, for example, steps 402 and 410 in FIG. 4 and column 8, lines 27-29 and 42-45, which shows that the browser or application launcher exits after launching the test applet or application).

With respect to claim 4, Shrader further discloses the limitation wherein the test monitor receives an exit code from the application launcher, the exit code indicating a launch status of the test application launch (see, for example, step 408 in FIG. 4 and column 8, lines 36-39, which shows receiving a marker file indicating a completed launch status, and see, for example, column 5, lines 55-57, which shows that the marker file is an exit code).

With respect to claim 5, Shrader further discloses the limitation wherein the test monitor combines the query status, the test status, and the launch status into a report (see, for example, column 8, lines 30-39, which shows combining the test status and query status into an output file or report, and see, for example, column 7, lines 43-46, which shows writing to the output file or report based on the launch status).

With respect to claim 6, Shrader further discloses the limitation wherein the query status indicates the status of the query received from the application launcher (see, for example, column 8, lines 33-36, which shows the query status indicating whether the query from the browser or application launcher for testing an applet or application ultimately succeeded or failed).

With respect to claim 7, Shrader further discloses the limitation wherein the test monitor starts the status server and the application launcher (see, for example, column 4, lines 53-58, which shows that the test monitor starts the browser or application launcher, and see, for example, column 5, lines 43-52, which shows that the test monitor invokes or starts the status server so as to start writing to the output file).

With respect to claim 8, Shrader further discloses the limitation wherein the test monitor starts the HTTP server (see, for example, column 4, lines 53-58, which shows that the test monitor invokes or starts the HTTP server by way of the browser or application launcher so as to initiate a response from the HTTP server).

With respect to claim 9, Shrader discloses a method for testing an application launcher (see the abstract), comprising the operations of:

(a) launching a Hypertext Transfer Protocol (HTTP) server, a status server and an application launcher, wherein application launcher queries the HTTP server for a test application (see, for example, column 4, lines 53-58, which shows launching a browser to invoke or launch an HTTP server with a query, and see, for example, column 5, lines 15-21, which shows that the browser is an application launcher querying the server for a test applet or test application; also see, for example, column 5, lines 43-52, which shows invoking or launching an output file to record status information, and see, for example, data processing system 100 in FIG. 1B, which is a status server comprising the output file);

(b) launching the test application using the application launcher (see, for example, column 5, lines 15-21, which shows launching the test applet or application with the browser or application launcher);

(c) returning a test status from the test application to the status server (see, for example, step 404 in FIG. 4 and column 8, lines 30-33, which shows returning status information from the test applet or application to the output file of the status server); and

(d) returning the test status, a query status, and a launch status to a test monitor (see, for example, test/run program 202 in FIG. 2B, which is a test monitor, and see, for example, column

5, lines 43-52, which shows returning status information to the test monitor; also see, for example, step 406 in FIG. 4 and column 8, lines 33-36, which shows returning a query status indicating success or failure, and see, for example, step 408 in FIG. 4 and column 8, lines 36-39, which shows returning a marker file indicating a completed launch status).

With respect to claim 10, the limitations recited in the claim are analogous to the limitations recited in claim 5 (accordingly, see Shrader as applied to claim 5 above).

With respect to claim 11, the limitations recited in the claim are analogous to the limitations recited in claim 6 (accordingly, see Shrader as applied to claim 6 above).

With respect to claim 12, Shrader further discloses the limitation wherein the test status indicates a status of tests performed by the test application (see, for example, column 5, lines 43-52, which shows that the status information indicates the status from the test applet or application as it operates).

With respect to claim 13, Shrader further discloses the limitation wherein the launch status indicates a status of the application launch operation (see, for example, step 408 in FIG. 4 and column 8, lines 36-39, which shows that the launch status indicates the status of the application launch when complete).

With respect to claim 14, Shrader further discloses the limitation wherein the application launcher uses a uniform resource locator (URL) to launch the test application (see, for example, column 5, lines 15-21, which shows that the browser or application launcher uses a URL to launch the test applet or application).

With respect to claim 15, the limitations recited in the claim are analogous to the limitations recited in claim 3 (accordingly, see Shrader as applied to claim 3 above).

With respect to claim 16, the limitations recited in the claim are analogous to the limitations recited in claim 4 (accordingly, see Shrader as applied to claim 4 above).

With respect to claim 17, Shrader discloses an application launcher testing system (see the abstract), comprising:

(a) a Hypertext Transfer Protocol (HTTP) server in communication with an application launcher, wherein the HTTP server receives a query for a test application from the application launcher (see, for example, column 4, lines 53-58, which shows an HTTP server and a browser, wherein the HTTP server receives a query from the browser, and see, for example, column 5, lines 15-21, which shows that the browser is an application launcher querying the server for a test applet or test application), and wherein the application launcher launches the test application based on a response to the query from the HTTP server (see, for example, column 5, lines 15-21, which shows that the browser or application launcher launches the test applet or application based on a response from the server);

(b) a status server in communication with the test application, the status server receiving a test status from the test application (see, for example, step 404 in FIG. 4 and column 8, lines 30-33, which shows an output file receiving status information from the test applet or application, and see, for example, data processing system 100 in FIG. 1B, which is a status server comprising the output file); and

(c) a test monitor in communication with the HTTP server and the status server, wherein the test monitor receives a query status from the HTTP server, the test status from the status server (see, for example, test/run program 202 in FIG. 2B and column 5, lines 43-52, which shows a test monitor receiving status information, and see, for example, step 406 in FIG. 4 and column 8, lines 33-36, which shows receiving a query status indicating success or failure), and an exit code from the application launcher, the exit code indicating a launch status of the test application launch (see, for example, step 408 in FIG. 4 and column 8, lines 36-39, which shows receiving a marker file indicating a completed launch status, and see, for example, column 5, lines 55-57, which shows that the marker file is an exit code), and wherein the test monitor combines the query status, the test status, and the launch status into a report (see, for example, column 8, lines 30-39, which shows combining the test status and query status into an output file or report, and see, for example, column 7, lines 43-46, which shows writing to the output file or report based on the launch status).

With respect to claim 18, the limitations recited in the claim are analogous to the limitations recited in claim 6 (accordingly, see Shrader as applied to claim 6 above).

With respect to claim 19, the limitations recited in the claim are analogous to the limitations recited in claim 7 (accordingly, see Shrader as applied to claim 7 above).

With respect to claim 20, the limitations recited in the claim are analogous to the limitations recited in claim 8 (accordingly, see Shrader as applied to claim 8 above).

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure. U.S. Pat. No. 6,446,120 to Dantressangle discloses a configurable stresser for a web server, and U.S. Pat. No. 6,138,157 to Welter et al. discloses a method and apparatus for testing web sites.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J. Yigdall whose telephone number is (571) 272-3707. The examiner can normally be reached on Monday through Friday from 7:30am to 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Q. Dam can be reached on (571) 272-3695. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MY

Michael J. Yigdall
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